

Remarks

Reconsideration and allowance of the present application in view of the following remarks and amendments are respectfully requested.

The Applicants wish to clarify the current disposition of the claims, as Claim 60 seems to be incorrectly withdrawn from consideration. The original application included Claims 1-62 which were subject to restriction of inventions and election of species requirements. The Applicants restricted the present application to Group II, corresponding to Claims 31-60, and elected Claims 46-49 and 56-59 as a species of generic Claims 31-33 and 37-40. Therefore, Claims 31-33, 37-40, 46-49, 56-59, and 60 should remain under active examination, with Claims 1-30 and 61-62 canceled as a result of the restriction requirement, and Claims 34-36, 41-45, and 50-55 withdrawn as being drawn to an un-elected species.

Claims 56 and 58 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite regarding the percentages claimed. As stated in the specification, paragraph [0175], the percentages refer to weight percent. Therefore, the Applicants respectfully request withdrawal of this rejection.

Claim 31 was rejected under 35 U.S.C. §§ 102(b) and 102(e) as being anticipated by Oka '603 and Maletin '549, respectively. The Applicants have amended Claim 31 to more clearly recite that the proton-conducting membrane of the present invention is a single-phase, substantially non-porous structure. The specification enables and describes the single-phase structure in paragraphs [0192] and [0202] and the substantially non-porous structure in paragraphs [0172] and [0182].

In contrast, Oka '603 discloses and teaches a hydrophobic resin and hydrophilic polymer applied to a porous film having a porosity of at least about 70% (Abstract; column 5, line 59 through column 6, line 3; column 7, line 27 through column 8, line 44). Similarly, Maletin '549 discloses and teaches filling a porous separator with synthesized nanostructured carbon (SNC) powders (Abstract; paragraphs [0011] through [0015]; paragraph [0032]). The resulting membrane in Oka '603 and Maletin '549 is both heterogeneous and porous, contrary to currently amended Claim 31. Therefore, the Applicants respectfully submit that currently amended Claim 31 patentably defines the present invention over both Oka '603 and Maletin '549 and request that the rejections be withdrawn.

In as much as all pending claims are now allowable, the Applicants respectfully request reconsideration and allowance of Claims 34-36, 41-45, and 50-55 which were previously withdrawn, pursuant to 37 C.F.R. § 1.141.

At least for the reasons set forth above, the Applicants respectfully submit the present application is in complete condition for allowance, and favorable action is respectfully requested. Should any issues remain after consideration of this amendment, then Examiner Chaney is invited and encouraged to telephone the undersigned at her convenience.

Respectfully submitted,

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Steven R. LeBlanc
DORITY & MANNING, P.A.
P.O. Box 1449
Greenville, SC 29602
(864) 271-1592
(864) 233-7342